

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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RALPHE ARMSTRONG,

Plaintiff,

Case No. 09-11704

vs.

Hon. Robert H. Cleland

EAGLE ROCK ENTERTAINMENT, INC.,  
a Delaware corporation,

Magistrate Judge R. Steven Whalen

Defendant.

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**SCHEDULING ORDER**

On June 11, 2009, the Court held a scheduling conference with counsel for Plaintiff Armstrong and Defendant Eagle Rock. The following Order memorializes the decisions reached at that conference.

1. Discovery in this case, including Rule 26(a) initial disclosures, is stayed pending the Court's disposition of said motions.

2. Armstrong has expressed the possibility that he will seek leave to amend his complaint for the purpose of adding a claim under 17 U.S.C. §1101. If Armstrong chooses to seek such leave, he may do so within 10 days after the Court's disposition of the dispositive motion filed by Eagle Rock on July 2, 2009. Otherwise, the claim shall be considered waived. If Armstrong seeks such leave, Eagle Rock shall be entitled to file an opposing brief. Any statute of limitations period applicable to said claim shall be considered to have been tolled as of June 11, 2009.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: July 22, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 22, 2009, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522

We stipulate to entry of the foregoing order:

/s/ with consent of Jeffrey P. Thennisch  
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